

TEXAS

LEGISLATIVE MANUAL

FOR 1907

CONTAINING

RULES OF THE SENATE AND HOUSE, AND JOINT RULES, STANDING COMMITTEES OF THE SENATE AND HOUSE, LIST OF SENATORS AND REPRESENTATIVES, OFFICERS OF THE SENATE AND HOUSE OF THE REGULAR SESSION OF THE THIRTIETH LEGISLATURE.

ALSO

THE CONSTITUTION OF THE STATE OF TEXAS, AND
OF THE UNITED STATES.



AUSTIN:
VON HOECKMANN-JONES CO., PRINTERS.
1907.

RULES OF THE HOUSE.

RULE I.

DUTIES AND RIGHTS OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at its last sitting, but if no hour was fixed at such sitting, then at 1 o'clock p. m., and immediately call the members to order, and ascertain the presence of a quorum by a roll call of the members of the House.

2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by law, of the hall of the House and its lobby and galleries, and of the corridors and passages and unappropriated rooms in that part of the Capitol assigned to the use of the House.

4. He shall lay before the House its business in the order indicated by the rules, and shall receive propositions made by members and put them to the House; and shall enforce the rules of the House and the legislative rules prescribed in the Constitution.

5. He shall rise to put a question, but may state it sitting; and he shall put questions distinctly in this form, to wit: "As many as are in favor of (as the question may be) say 'aye'"; and after the affirmative voice is expressed, "As many as are opposed say 'no'." If the Speaker be in doubt as to the result, or if a division be called for, the House shall divide, those in the affirmative of the question shall rise from their seats and remain standing until the Clerk has numbered them and the number has been announced by the Speaker; those who vote in the negative are then requested to rise, and they are numbered and the number announced. The yeas and nays may be called before the decision of the Speaker is announced.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall decide all questions of order, subject to an appeal to the House made by any two members, on which appeal no member shall speak more than once unless by leave of the House. Pending an appeal, no motion shall be in order except to adjourn, to lay on the table, for the previous question and the call of the House.

8. He shall examine, correct and approve the Journal of each day's proceedings before the same shall be printed.

9. All committees and the chairmen of the same shall be appointed

by the Speaker, unless otherwise specially directed by the House, in which case they shall be elected; and if, upon such vote, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second vote, in which a plurality shall prevail; and in case a greater number than that required to compose or complete a committee shall have an equal number of votes, the House shall take another vote.

10. All acts, addresses and joint resolutions shall be signed by the Speaker as required by the Constitution; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and attested by the Chief Clerk or the Acting Chief Clerk.

11. The Speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. Whenever the Speaker shall be absent at any hour to which the House has adjourned, it shall be the duty of the Chief Clerk to call the House to order and have the roll called, and if a quorum be present, the House shall proceed to elect a Speaker pro tempore, who shall discharge the duties of the Speaker of the House of Representatives, and have the same rights, during the absence of the Speaker.

RULE II.

ELECTION AND COMPENSATION OF OFFICERS.

All officers of the House shall be elected by ballot, and shall receive such compensation as the House may determine; and after their salary has been fixed, no further or extra compensation shall be allowed them.

RULE III.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings, and to maintain order under the direction of the Speaker or chairman, and, pending the election of a Speaker pro tempore, under the direction of the Chief Clerk.

2. He shall have charge, under the Speaker, of the Hall of the House, its lobby and galleries, and all other rooms in the Capitol assigned to the use of the House, and shall keep the same in order.

3. He shall execute the commands of the House from time to time, and all writs and process issued by authority thereof, directed to him by the Speaker.

4. He shall procure and keep, for the use of the members and officers of the House, such stationery and stationer's supplies as may be necessary for the transaction of the business of the House, of all of which he shall keep itemized accounts, showing the quantities of each kind received, the date and the price paid therefor, and the persons to whom delivered for use, with the dates and quantities of each delivery; the unused remainder, if any, he shall deliver at the close of the session,

to the Secretary of State for safe-keeping. He shall keep his office open daily (except Sundays) from 8 o'clock a. m. until one hour after the adjournment of the House.

5. The Assistant Sergeant-at-Arms, if any, shall assist the Sergeant-at-Arms in the performance of his duties, and, subject to his control and to that of the Speaker, shall have the same powers.

RULE IV.

DUTIES OF THE CLERKS.

1. The Chief Clerk shall have general charge and supervision, under the direction of the Speaker, over the secretarial work of the House, and, pending the election of a Speaker pro tempore, he shall call the House to order, preserve order and decorum, and decide all questions of order subject to appeal to the House. He shall attest all writs, warrants and subpoenas issued by order of the House, and shall certify to the passage of bills and joint resolutions, noting at the foot thereof the date of its passage and the vote by which it passed, if by a yea and nay vote.

2. The Assistant Chief Clerk, if any, shall assist the Chief Clerk in the performance of his duties and in case of the absence, resignation or death of the Chief Clerk, shall take charge of and attend to all the duties of the office of Chief Clerk until the Chief Clerk shall return, or until his successor is elected. In addition to his other duties the Assistant Chief Clerk shall make out and deliver to the members warrants for their mileage and per diem.

3. The Calendar Clerk shall keep the calendars of the House, so as to show the action had on, and present status of, all bills and resolutions, and shall have charge of their printing, when authorized by the rules or by the vote of the House. He shall keep an exact record of the times of delivery to the printer of bills and of the return of the printed bills, and shall see to it that all bills are printed in the order of their delivery to the printer. He shall remain at his desk daily (except Sundays) from 8 to 12 a. m. and from 1 to 6 p. m., and at such other hours as the House may be in session. He shall also have charge of all petitions, memorials, etc., referred to the committees and when such have been returned he shall carefully keep the same for preservation in the archives of the Legislature.

4. The Journal Clerk and the Assistant Journal Clerk, if any, under his direction, shall keep a journal of the proceedings of the House, in which such proceedings, when not acting in Committee of the Whole, shall be entered as concisely and accurately as possible. In this journal there shall be entered the number and caption of every bill introduced, and a brief statement of the substance of every bill, joint resolution petition or memorial or other paper presented to the House. All simple and concurrent resolutions, motions, committee reports and amendments, and all questions of order, with the decisions thereon, and messages from the Governor and Senate, shall be entered in full. Every vote of the House shall also be entered on the Journal, with a concise statement of the question and of the result.

The Journal, as made up each day, shall be submitted to the Speaker for his examination, correction and approval, and when approved by him shall be printed under the supervision of the Journal Clerk and copies thereof laid upon the desk of each member on the succeeding day; but it need not be read, unless upon motion therefor by a majority vote.

5. The Engrossing Clerk shall write out in a fair, legible hand, or with a typewriter, without erasures, interlineations or additions in the margin, all bills and joint resolutions that have passed their second reading and have been ordered to be engrossed. He shall submit his work to the Committee on Engrossed Bills before the same is returned to the House, for their examination, correction and approval, and he shall perform such other clerical work for the House or its committees as he may be assigned to by the Speaker.

6. The Enrolling Clerk shall similarly enroll all House bills, joint resolutions and such House concurrent resolutions as are required to be presented to the Governor that have passed both houses, writing them out in a fair, legible hand, without erasures, interlineations or additions in the margin. After they have been examined by the Committee on Enrolled Bills and found truly enrolled they shall be reported to the House for the signature of the Speaker and transmission to the Senate.

7. The Reading Clerk and his assistant, if any, shall call all rolls of the House in the alphabetical order of the names of the members, and shall read aloud all bills, resolutions, motions and other written matter, required by the rules, or directed by the Speaker, to be read. They shall remain standing while reading or calling the roll. In the event of the absence, resignation or death of the Chief Clerk and his assistant, if any, the Reading Clerk shall take charge of and attend to all the duties of the office, until the Chief Clerk return or his successor is elected.

8. Any clerk, employe, or officer of the House, other than the Speaker, who shall directly or indirectly attempt to influence any member of the House in favor of or against any measure pending before the House, or use his official position in aiding anyone lobbying in respect to any measure or question pending before the House, shall be subject to discharge by the House on account of such misconduct. This section shall not apply when such persons are answering questions or giving information at the request of any member of the House; provided further, that any standing committee of the House, by a majority vote of the members present may grant any clerk, officer or employe the right to appear before such committee and make known his views on any measure pending before such committee.

9. All clerks and stenographers shall report daily, except Sundays, from 8 a. m. to 12 m., and from 1:30 to 6 p. m., and at such other hours as the House or the committees to which they have been assigned, may be in session, or as they may be directed by the Speaker.

RULE V.

DUTIES OF THE DOORKEEPER.

The Doorkeeper shall enforce strictly the rules relating to the privileges of the hall, and, when the House is under call, shall permit no member to leave the hall without written permission from the Speaker. Five minutes before the hour of the meeting of the House each day he shall see that the floor is cleared of all persons except those privileged to remain.

RULE VI.

DUTIES OF THE POSTMASTER.

The Postmaster shall superintend the postoffice kept in the Capitol for the accommodation of Representatives and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

RULE VII.

DUTIES OF THE CHAPLAIN.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

RULE VIII.

OF COMMITTEES.

Unless otherwise ordered by the House, the Speaker shall appoint the following committees, consisting of the number designated, and all proposed legislation shall be referred by the Speaker, subject to correction or such reference by a majority vote of the House, to the appropriate committee named in the rule:

(1) Judiciary, 21 members, with jurisdiction over all matters of civil law, rights, duties, remedies and procedure not assigned to other committees.

(2) Criminal Jurisprudence, 21 members, with jurisdiction over all matters of criminal law and procedure not assigned to other committees.

(3) Appropriations, 23 members, with jurisdiction over all bills appropriating moneys out of the State Treasury for the maintenance of the State Government, its departments, institutions, etc.

(4) Revenue and Taxation, 21 members, with jurisdiction over all bills levying taxes or regulating the manner of their collection.

(5) State Affairs, 21 members, with jurisdiction over questions of State policy, regulation and administration, the organization and management of the State Government and its departments, and the com-

pensation and duties of its officers, except those assigned to other committees.

(6) Constitutional Amendments, 21 members, with jurisdiction over all proposed amendments to the State Constitution.

(7) Education, 21 members, with jurisdiction over all matters relating to education and the public schools and colleges of the State.

(8) Public Lands and Land Office, 21 members, with jurisdiction over all matters relating to the public school and asylum lands of the State and the organization and management of the General Land Office, and the compensation and duties of its employes.

(9) Penitentiaries, 21 members, with jurisdiction over all matters relating to the penal institutions of the State and to State and county convicts.

(10) State Asylums, 21 members, with jurisdiction over all matters relating to the insane, blind and deaf and dumb asylum and other State cleemosynary institutions.

(11) Public Debt, 11 members, with jurisdiction over all matters relating to the funding, refunding and payment of the public debt of the State.

(12) Military Affairs, 11 members, with jurisdiction over all matters relating to the State Volunteer Guard, the State Rangers and the Adjutant General's Department.

(13) Public Health, 11 members, with jurisdiction over all matters relating to the Public Health Department of the State, to State and county quarantines and to the practice of medicine, surgery, dentistry and pharmacy.

(14) Public Grounds and Buildings, 11 members, with jurisdiction over all matters relating to the construction, maintenance and arrangement of State buildings and the care and beautifying of the grounds, cemeteries and parks belonging to the State.

(15) Public Printing, 11 members, with jurisdiction over all matters relating to printing done for and stationery furnished the State, its departments and institutions.

(16) Claims and Accounts, 9 members, with exclusive jurisdiction over all claims against the State.

(17) Examination of Comptroller's and Treasurer's Accounts, 9 members, whose duty it is to examine the accounts mentioned, and report their findings.

(18) Federal Relations, 9 members, with jurisdiction over all matters involving the relations between the State and Federal Governments.

(19) Privileges, Suffrage and Elections, 19 members, with jurisdiction over all questions affecting the privileges of the whole House and of the members, over contested elections to the House, and all matters relating to suffrage, and to general, special and primary elections.

(20) Rules, 7 members, with jurisdiction over the rules of the House, the joint rules and all amendments proposed to either.

(21) Contingent Expenses, 5 members, with control of the expenditures of the House out of the Contingent fund. No claims or bills

shall be paid out of the contingent fund, unless the same shall have been previously authorized and subsequently approved by this committee, or unless otherwise provided by vote of the House.

(22) Enrolled Bills, 5 members, whose duty it is to examine all bills and resolutions enrolled in the House, and when properly enrolled to report thereon, and attend to the signing of the same and then delivery to the Governor. They shall also examine enrolled bills, and resolutions from the Senate, verify the insertion therein of House amendments, if any, and report thereon.

(23) Engrossed Bills, 5 members, whose duty it is to examine all bills and resolutions engrossed in the House, verify the insertion of amendments, if any, and when properly engrossed, to report thereon.

(24) Judicial Districts, 19 members, with jurisdiction over all bills creating, changing or otherwise affecting the judicial districts and supreme judicial districts of the State.

(25) Counties, 19 members, with jurisdiction over all matters pertaining to counties, their creation, boundaries, organization, government and finances, and the compensation and duties of their officers.

(26) Roads, Bridges and Ferries, 19 members, with jurisdiction over all matters relating to the establishment and maintenance of roads, bridges and ferries, the payment therefor, and the appointment, compensation, powers and duties of officers, employes and workmen in connection therewith.

(27) Municipal Corporations, 19 members, with jurisdiction over all matters relating to cities and towns, their government, finances and officers.

(28) Common Carriers, 17 members, with jurisdiction over all matters relating to railroads, street and interurban railroads, steamship companies, express companies, telegraph and telephone companies and to the Railroad Commission.

(29) Private Corporations, 17 members, with jurisdiction over all matters relating to banks and banking and the organization, incorporation, management, regulation, etc., of private corporations generally, except those specially assigned to some other committee.

(30) Insurance, 11 members, with jurisdiction over all matters relating to insurance, fidelity, casualty, guarantee and surety companies, including their organization, incorporation, management, powers, regulations, etc.

(31) Agriculture, 17 members, with jurisdiction over all matters relating to agriculture, horticulture and husbandry.

(32) Stock and Stock Raising, 17 members, with jurisdiction over all matters relating to said industry.

(33) Commerce and Manufactures, 17 members, with jurisdiction over all matters relating to commerce, trade and manufactures.

(34) Mines and Mining, 11 members, with jurisdiction over all matters relating to the subject.

(35) Irrigation, 11 members, with jurisdiction over all matters relating to the taking, storing, control and use of waters for irrigation; the incorporation, management, powers, etc., of irrigation companies and the drainage of lands.

(36) Forestry, 11 members, with jurisdiction over all matters relating to the planting, care and preservation of forests, and the regulation and promotion of the lumber industry.

(37) Game and Fisheries, 11 members, with jurisdiction over all matters relating to the preservation and propagation of game within the State, and to the regulation and promotion of the fish and oyster industries on the coast and inland waters.

(38) Labor, 11 members, with jurisdiction over all matters relating to the welfare and improvement of the condition of all classes of wage earners.

(39) Banks and Banking, 21 members, with jurisdiction over all matters pertaining to the banking business.

(40) Liquor Traffic, 21 members, with jurisdiction over all matters relating to the sale and regulation of the sale of intoxicating liquors, including local option.

(41) Reforms in Civil and Criminal Procedure, 21 members, with jurisdiction over all matters relating to civil and criminal procedure in the courts of this State.

No addition shall be made to any committee after it has been formed, except upon the suggestion of the chairman thereof and by a majority of the House.

RULE IX.

ORGANIZATION, POWERS AND DUTIES OF COMMITTEES.

1. As soon as practicable after their appointment, it shall be the duty of the chairman or chairman pro tem. (towit, the first named member after the chairman), of the different committees to notify the Speaker, in writing, of the time fixed for the meeting of their respective committees, which information the Speaker shall cause to be posted in a conspicuous place in the hall as soon as practicable.

2. If, after due notification, the members of any committee fail to meet at the time and place designated, and it shall be evident that such absentees are wilfully absent for the purpose of impeding the action of the committee, the chairman shall report such matter to the House, and such committeemen shall be subject to reprimand, or removal from such committee as a majority of the members present shall decide.

3. No committee shall sit during the time the House is in session without special leave first being granted.

4. A majority of a committee shall constitute a quorum for business, and no report shall be made to the House unless ordered by a majority of such quorum in committee assembled. All committee reports shall be in writing and in two parts, (1) the formal report, which shall be inserted in the Journal, must be signed by the chairman or chairman pro tem. and addressed to the Speaker, and shall contain a brief statement that the measure, described by number only, has been under consideration by the committee, at a session thereof, that the committee has recommended that it do, or do not pass or be adopted, or pass or be adopted with amendments, as the case may be, and that a member of

the committee, naming him, has been authorized by the committee to make a full report thereof to the House; and (2) the full report, signed by the member so authorized, which shall be printed with the measure reported, or if that be not printed, shall be inserted in the Journal, and which shall contain a brief statement of the nature of the measure, the change it makes in existing law, the object of such change, the reasons for it, and if desired, the reasons advanced against it and a reply to such reasons, and the amendments recommended by the committee to the measure, if any, with a similar brief statement in relation to these amendments. The views of the minority may be submitted in writing by any member of the committee, and shall be printed with the full report of the committee.

5. Bills, resolutions and other papers referred to committees shall be taken up and acted upon by the committees in the order in which they were referred, and shall be reported back to the House within ten (10) days from the date of their respective reference, unless the House shall grant a committee additional time for the consideration of a paper referred to it.

But it shall be the duty of each committee of the House when there has been referred to it or is before it for consideration, a House bill and a Senate bill containing the same subject, to first consider and report upon the Senate bill.

6. The reports of standing and select committees shall be filed with the Chief Clerk and printed in the Journal.

7. It shall be the duty of the chairmen of the several committees to see that the original of all bills, resolutions, memorials and such other documents referred to them are returned to the House with the final report upon the matter to which they pertain.

8. The Committee on Engrossed Bills, in addition to their duties as such, are also the Committee on Style, and it shall be their duty to see that all bills passed by the House are correct in style, orthography, punctuation, and in whatever else it is within the province of the committee to correct.

9. It shall be in order for the Committee on Engrossed Bills, Enrolled Bills and the Committee on Rules to report at any time.

10. Reports of committees are advisory only. When the report is made, the proposition, bill or resolution recommended or reported back shall be before the House for its consideration without action upon the report.

RULE X.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be: First, those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings; second, the rights, reputation and conduct of members individually in their representative capacity only, and shall have precedence of all other questions, except motions to adjourn.

RULE XI.

DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

2. When two or more members happen to rise at once, the Speaker shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

3. The mover of any proposition, or the member reporting any measure from a committee, as the case may be, or in case of the absence of either of them, then any other member designated by such absentee shall have the right of opening and closing debate thereon, and for this purpose may speak each time not to exceed half an hour.

4. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak, shall have spoken; nor shall any member be permitted to consume the time of another member without the consent of the House.

5. If a pending question is not disposed of, owing to an adjournment of the House, no member who has spoken twice on the subject shall be allowed to speak again without leave.

6. All speeches are limited to fifteen minutes in duration, except as provided in Section 3 of this rule, and the Speaker shall call the members to order at the expiration of their time.

7. If any member, in speaking, or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if the decision be against him, and the case requires it, he shall be liable to the censure of the House or such other punishment as the House may deem proper.

8. While the Speaker is putting a question or addressing the House, no member shall walk out or across the hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat nor smoke upon the floor of the House.

9. When the reading of a paper is called for, and the same is objected to by any member, the House shall determine whether said paper shall be read or not.

RULE XII.

OF VOTING.

1. Any member who has a personal or private interest in any measure or bill, proposed or pending before the House, shall disclose the fact, and shall not vote thereon.

2. No member shall be permitted to vote in any case, whether upon division or roll call, when he was not within the bar of the House when the question was put; and if his vote be challenged on that ground, or if he ask leave to vote, the Speaker shall ask him whether he was within the bar of the House when the question was put; and if he answers in the affirmative, he shall be permitted to vote.

3. In order to be entitled to vote, and to be within the bar of the House, a member must be on the floor of the hall and within the walls enclosing the same, and not outside of any of the doors leading out of the hall, and he must vote from his seat.

4. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him, and any member who is present and shall fail or refuse to vote, after being requested so to do by the Speaker, shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

5. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under order of the House, shall have commenced calling the yeas and nays.

6. The yeas and nays of the members of the House on any question shall, at the desire of any three members present, be called and entered on the Journal.

7. While the yeas and nays are being called, or votes are being counted, no member shall visit the Clerk's table or leave his seat.

8. On the demand of any member, before the question is put, the question shall be divided if it includes propositions so distinct in substance that one being taken away, a substantive proposition remains.

9. All pairs must be announced when the roll is called, and a written statement thereof sent to the Clerk. Such pairs shall be entered on the Journal, and the member present shall be counted to make a quorum.

RULE XIII.

OF MOTIONS.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal, with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made the Speaker shall state it, or (if it be in writing) cause it to read aloud by the Clerk, before being debated,

and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When a question is under debate no motion shall be received but—

- (1) To fix the day on which the House shall adjourn.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) For the previous question.
- (6) To postpone to a day certain.
- (7) To commit.
- (8) To amend; or
- (9) To postpone indefinitely.

Which said motions shall have precedence in the above order. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried shall be considered as equivalent to the rejection of the bill.

4. A motion to adjourn, except as hereinafter provided in Rule XIV, Section 6, and a motion to fix the day to which the House shall adjourn, shall always be in order.

5. When motions are made for the reference of a subject to a select or standing committee, the question for the reference to a standing committee shall be put first.

6. No motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the bill or proposition.

7. The motion to lay upon the table; if carried, shall have the effect of killing the bill, resolution or amendment or other immediate proposition tabled. It shall not be debatable, but the mover of the proposition proposed to be tabled or the member reporting it from a committee, shall be allowed to close the debate thereon after the motion to table is made and before it is put. The vote by which the motion to table is carried or lost can not be reconsidered.

8. A bill or proposition postponed to a day certain shall be laid before the House, at the time to which it was postponed, unless other business be then pending, in which case its consideration shall be deferred until the pending business is disposed of, without other prejudice to its right or priority.

9. The following motions shall be decided without debate:

- (1) To adjourn.
- (2) To fix the day to which the House shall adjourn.
- (3) To lay on the table.
- (4) That a proposition lie upon the table, subject to call.
- (5) For the previous question.
- (6) To suspend the regular order of business and take up some measure out of its order; but the mover may be allowed to state briefly the nature and purpose of the measure.
- (7) To suspend the constitutional rule requiring bills to be read on three several days.

RULE XIV.

OF THE PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the Chair in this manner:

"The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say 'Aye,' " and then "As many as are opposed, say 'No.' " If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate, and bringing the House to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

2. The previous question may be asked and ordered upon any debatable single motion or series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit and can not be laid upon the table.

3. On the motion for the previous question there shall be no debate; and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition, or the member making the report from the committee, as the case may be, or in case of the absence of either of them, any other member designated by such absentee shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely, or to amend by striking out the enacting clause of a bill, the mover of the proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order after the previous question is seconded, until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered.

RULE XV.

OF RECONSIDERATION.

1. When a motion has been made and carried or lost, or an amendment, resolution or bill voted upon, it shall be in order for any member of the prevailing side to move for a reconsideration thereof, on the same day or the next sitting day, before the order of the day is taken up.

2. If such motion for a reconsideration be not disposed of when made, it shall be spread upon the Journal, and can not, after that legislative day, be called up and disposed of unless one day's notice shall be given. But all such motions made during the last three days of the session shall be disposed of when made.

3. When a motion for a reconsideration has once been made, it can not be withdrawn, but may be called up by any member.

4. Unless sooner called up and disposed of, all motions for the reconsideration of votes upon amendments or other incidental matters, shall be regarded as determined and lost, upon the final vote upon the main question.

RULE XVI.

OF ROLL CALLS AND CALLS OF THE HOUSE.

1. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

2. When a call of the House is moved and seconded by fifteen (15) members (of whom the Speaker may be one) the Doorkeeper shall close the main entrance of the hall and all the other doors leading out of the hall shall be locked, and no member shall be permitted to leave the House without written permission of the Speaker, until after the subject matter upon which the call was ordered shall have been disposed of. The Clerk shall call the roll of the members and note the absentees; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the Sergeant-at-Arms or officers appointed by him for that purpose, and their attendance secured and retained, and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done, except to compel the attendance of absent members or to adjourn.

Whenever a quorum is shown to be present the House may proceed with the matters on which the call was ordered, or may enforce and await the attendance of the absentees.

RULE XVII.

OF SIMPLE AND CONCURRENT RESOLUTIONS.

1. When resolutions are called for, the member offering a resolution shall rise in his place and say: "Mr. Speaker, I offer the following resolution." The Speaker shall then say: "The gentleman from ——— offers the following resolution. The resolution will be read." As soon as the Clerk shall have read the same the Speaker shall say: "What order will the House take on the resolution?" If the second reading of the resolution is called for, the Speaker shall say: "Second reading of the resolution is called for. If there be no objection the resolution will be read a second time." If objection be made to the second reading, it shall be in order for any member to move for the second reading, and if the motion be carried, the resolution shall be read again, and it will then be before the House for amendment, adoption, or rejection, or other action. If the second reading is not moved, the resolution shall lie over until the following day, when it will come up as business on the Speaker's table.

2. Concurrent resolutions shall take the same course as simple resolutions, and shall be numbered in regular order.

3. Resolutions may be filed with the Chief Clerk after the opening of the session of the House, and when resolutions are called for all resolutions so filed shall be taken up in the order filed and disposed of before the Speaker shall permit members to offer resolutions from the floor of the House.

RULE XVIII.

JOINT RESOLUTIONS.

All amendments proposed to the Constitution shall take the form of a joint resolution, which shall be subject to the rules that govern the proceedings in bills, except that they shall in all cases be read on three several days, and shall only be passed by a vote of two-thirds of the members-elect to the House. (Constitution, Article XVII, Section 1.) When a proposed amendment to the Constitution is under consideration, the vote of a majority of the members present shall be sufficient to decide an amendment thereto or any collateral or incidental question thereto short of the final question.

RULE XIX.

OF BILLS.

1. Proposed laws or changes in laws must be incorporated in bills, which shall consist of a title or caption, beginning with the words: "A bill to be entitled an act to," and containing a brief statement of the object of the proposed measure and of the bill proper, beginning with

the enacting clause: "Be it enacted by the Legislature of the State of Texas," and stating at large the measure proposed; *and if the bill proposes to amend an existing law, it shall be accompanied by a brief statement of the proposed change in the existing law.*

2. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title.

3. No law shall be revived or amended by reference to its title; but in such case the act revived or the section or sections amended shall be re-enacted and published at length.

4. Bills shall be introduced in the same manner as resolutions, and with the same order of precedence. Each bill shall be numbered in its regular order; and when bills are called for by the Speaker, first those filed with the Chief Clerk and then those introduced from the floor, shall be read the first time by caption and referred to the proper committee.

5. No bill shall be considered or tabled, unless it has been first referred to a committee and reported therefrom; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature, and no vote shall be taken within twenty-four hours next preceding final adjournment of the Legislature upon the passage of any bill, except it be to correct an error therein.

6. All bills before the House on their third and second readings, respectively, shall be taken up and acted upon in the order in which they are numbered; provided, that Tuesday of each week shall be devoted to the consideration of House bills on their third reading until disposed of.

But when any House bill shall be reached upon the calendar or shall be before the House for consideration, it shall be the duty of the Speaker to give the place of such House bill on the calendar to any Senate bill which has been referred to and reported from a committee of the House, containing the same subject or to lay such Senate bill before the House to be considered in lieu of such House bill.

On Wednesday and Thursday of each week only, Senate bills, on their third and second readings, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment, it shall go over to the succeeding day (Friday) as the unfinished business.

A night session of the House shall be held on Wednesday night of each week for the purpose of considering local bills.

7. All bills, when reported favorably by a committee, shall be printed and a copy laid on the desk of each member before the bill is acted on by the House. All other bills, resolutions, reports, memorials and petitions shall be printed on the order of the House.

8. After a bill has been taken up and read, amendments thereto shall be in order, those recommended by the committee or its minority being first considered, if called up. If no amendment is made, or if those proposed are adopted, then the final question upon its second reading shall

bc, in the case of a House bill, whether it shall be engrossed, or, in the case of a Senate bill, whether it shall pass to its third reading; and all bills ordered engrossed or passed to a third reading shall go on the calendar in their regular course.

9. No bill shall have the force of law until it has been read on three several days in each House, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill), four-fifths of the House may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the Journal.

10. When a bill has been taken up on its third reading, amendments thereto shall be in order, but shall require a two-thirds vote of the members present for their adoption; or the bill may be committed and reported to the House with amendments, in which case it shall take the course of a bill at its second reading, unless the amendments were made in the Committee of the Whole, in which case the House shall immediately proceed to act on the bill; but when a bill has been committed once at any reading it shall not be in order to recommit it again more than once, unless for some special amendment proposed, and then only by consent of two-thirds present. After all amendments have been disposed of, the question shall be upon the final passage of the bill.

11. When a bill shall pass, it shall be certified by the Chief Clerk, noting the day of its passage at the foot thereof, and the vote by which it passed, if by a yea and nay vote.

12. No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct; said vote to be taken by yeas and nays, and entered upon the Journals.

13. After a bill has been considered and defeated by either House of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

RULE XX.

OF AMENDMENTS.

1. When a bill, resolution, motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute.

2. A motion to strike out and insert new matter in lieu of that to be stricken out shall be regarded as a substitute, and shall be indivisible.

3. Amendment to the caption of a bill or resolution shall not be in order until all other proposed amendments shall have been acted upon and the House be ready to vote upon the passing of the measure; and the same shall be decided without debate.

4. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment, or as a substitute for the motion or proposition under debate.

RULE XXI.

OF COMMITTEES OF THE WHOLE HOUSE.

1. No appropriation of money shall be made except by bill, and when a bill appropriating money shall be reached or taken up, it shall be in order to move that the House resolve itself into the Committee of the Whole House for the purpose of considering such bill.

2. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

3. Upon bills committed to a Committee of the Whole House the bill shall first be read throughout by the Clerk, and then again be read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page or line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by a committee, and so reported to the House. After report the bill shall again be subject to be debated and amended by clauses before a vote be taken on the question of engrossment.

4. All amendments made to an original motion in Committee of the Whole shall be incorporated with the motion and so reported.

5. In the event that the Committee of the Whole, at any sitting, shall, for want of time, fail to complete the amendments proposed on any bill or resolution under their consideration, or desire to postpone the consideration thereof, it may, on motion made at any time in the committee, rise, report progress and have leave to sit again generally, or at a day certain.

6. All amendments made to a report committed to the Committee of the Whole House shall be noted and reported, as in the case of bills.

7. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it was made or offered.

8. No sum or quantum of tax or duty voted by a Committee of the Whole House shall be increased in the House until the motion or proposition for such increase shall first be discussed and voted in a Committee of the Whole House, and so in respect to the time of its continuance.

9. All proceedings touching appropriations of money shall be discussed in the Committee of the Whole House.

10. The rules of proceeding in the House shall be observed in Committee so far as they may be applicable.

RULE XXII.

OF THE ORDER OF BUSINESS.

1. The daily order of business shall be as follows:

First—Prayer by the Chaplain.

Second—Excuses for absence of members and officers.

Third—First reading of bills filed with the Chief Clerk, and introduction of bills from the floor and their first reading, and reference of bills to committees.

Fourth—Requests to print bills and other papers; requests of committees for further time to consider papers referred to them, and all other routine motions and business not otherwise provided for, all of which shall be undebatable; but the mover may be allowed to state briefly the nature and purpose of the measure.

Fifth—Resolutions filed with the Chief Clerk, and resolutions offered from the floor, for half an hour, if not sooner disposed of.

Sixth—The unfinished business, to be considered until finally disposed of.

Seventh—Disposal of business on the Speaker's table, as follows:

(1) Resolutions lying over from the previous day, and Senate concurrent resolutions.

(2) Reports of conference committees.

(3) Senate amendments to House bills and resolutions, requests of the Senate for a conference, and all matters of disagreement, amendments and requests between the two houses.

(4) Reports of standing and special committees.

(5) Bills on their third reading.

(6) Bills on their second reading.

2. Special orders shall always have precedence, when the hour for considering the same has arrived, except as provided in Rule XXIV.

3. All questions relating to the priority of business shall be decided by a majority, without debate.

RULE XXIII.

SUSPENSION OF THE RULES AND ORDER OF BUSINESS AND SPECIAL ORDERS.

1. No standing rule or order of the House shall be suspended, except by an affirmative vote of two-thirds of the members present; nor shall any other business be considered on days devoted by these rules to and used in the consideration of Senate and local bills, except by unanimous consent.

2. The Speaker shall not entertain a motion to suspend the order of business established by the rules for the purpose of taking up or considering any bill, resolution or other measure out of its regular order, except on Monday of each week and during the last six days of the session. Such a motion must be seconded by not less than twenty-five members before being submitted to the House, and is carried by an affirma-

tive vote of two-thirds of the members present. Any measure so taken up under suspension and not disposed of on the same day shall go over as the unfinished business to the next sitting day of the House, and thereafter from day to day (except days devoted to and used in the consideration of Senate bills) until disposed of, but a motion to suspend left pending and undisposed of on one suspension day goes over to the next suspension day as the pending business of that day.

3. Any bill, resolution or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and when once established as a special order, shall be considered from day to day until disposed of; and until it shall have been disposed of, no further special orders shall be made.

RULE XXIV.

OF COMMUNICATIONS FROM THE EXECUTIVE AND SENATE, CONFERENCE REPORTS, ETC.

1. Messages and communications from the Governor shall be received when announced, and at once referred to the appropriate committee without debate.

2. All messages from the Senate shall be received when announced; Senate bills announced as passed shall at once be read and referred to their appropriate committees, and Senate concurrent resolutions shall go to the Speaker's table.

3. Messages from the Senate announcing amendments to House bills and resolutions, non-concurrence in House amendments to Senate bills and resolutions, and requests for conferences, as also all reports of conference committees and all matters of disagreement, amendments and requests between the two houses, shall go to the Speaker's table in their regular order, but they may be called up for action of the House at any time, except as against a motion to adjourn, or to fix the day to which the House shall adjourn.

RULE XXV.

OF PETITIONS AND MEMORIALS.

All petitions and memorials shall be filed with the Chief Clerk and referred to committees in accordance with the endorsement of the member offering the same.

RULE XXVI.

OF ABSENTEES.

1. No member shall absent himself from the sittings of the House without leave, unless in case of sickness. Should any member absent himself without leave for the purpose of impeding the action of the House such member may be expelled; provided, that before action is

taken hereunder the matter shall be referred to the Committee on Privileges, Suffrage and Elections for investigation and report. It shall require a two-thirds vote of the members present to excuse absentees, and no member shall be excused upon his own motion.

2. The names of absentees shall appear upon the Journals.

RULE XXVII.

OF WITNESSES.

The rules for paying witnesses summoned to appear before the House or any of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; and for coming to or going from the place of examination he shall receive actual and necessary expenses, and two dollars for each day which is necessarily consumed in going to and returning from said place of examination; but nothing shall be paid for traveling home when the witness was at the place of trial when summoned. The certificate of the chairman of the committee before which a witness is summoned, of the amount due such witness, shall be sufficient authority for the same to be paid.

RULE XXVIII.

OF ADMISSION TO THE HOUSE.

1. The persons hereinafter named, and none other, shall be admitted to the Hall of the House when the House is in session, viz.:

The members and employes of the House; Senators and employes of the Senate; the Governor and his private secretary; Lieutenant Governor and officers of the general State Government; the President and the Vice President of the United States; United States Senators and members of Congress; Governors of other States; the heads of the State departments; judges of the Supreme Court and Courts of Criminal and Civil Appeals; the Railroad Commissioners; contestants in election cases, pending their contests in the House.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the House by direction of the Speaker.

3. Provided, that no newspaper reporter, or any other person whomsoever, who is lobbying or working for or against any pending or prospective legislative measure shall in any event be admitted upon the floor of the House or the rooms leading thereto, when the House is in session, nor shall any newspaper reporter, whose salary or compensation is paid in whole or in part by any person, corporation, firm or association other than the paper or papers for which he reports, be admitted into the Hall, or the rooms leading thereto, when the House is in session.

4. It shall not be in order for the Speaker to entertain a request, motion or resolution for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

5. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Hall of all persons not entitled to the privileges thereof five minutes before the hour of meeting.

6. Provided, that this rule shall not apply to persons who are invited to address the House when in session, nor shall it be construed to prevent any citizen from appearing before any of the committees of the House when in session. And provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the House.

RULE XXIX.

AMENDMENTS TO THE RULES.

No standing rule or order of the House shall be rescinded or changed except by an affirmative vote of two-thirds of the members present. All propositions to rescind any rule or order shall be by resolution, to be at once referred without debate to the committee on rules, and reported therefrom within three days.

RULE XXX.

WHEN RULES ARE SILENT.

On any question of order or parliamentary practice, where these rules are silent or inexplicit, Jefferson's Manual and the Digest of the Rules and Practice of the United States House of Representatives shall be considered as authority.